

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.53793 of 2024**

Arising Out of PS. Case No.-124 Year-2024 Thana- NATHNAGAR District- Bhagalpur

Abhishek Kumar Son Of Buchai Das @ Bachan Das Village- Gosaidaspur,  
Ps- Nath Nagar, Dist- Bhagalpur

... .. Petitioner/s

Versus

1. The State of Bihar
2. Mahi Pragya Daughater Of Arun Kumar Ravidas Village- Gosaidaspur, Ps-  
Nath Nagar, Dist- Bhagalpur

... .. Opposite Party/s

**Appearance :**

For the Petitioner/s : Dr. Manoj Kumar, Advocate

For the Opposite Party/s : Mr. Ram Sumiran Rai, APP

**CORAM: HONOURABLE MR. JUSTICE KHATIM REZA**  
**ORAL ORDER**

2      28-08-2024                      Heard learned counsel for the petitioner and learned  
A.P.P. for the State.

2. The petitioner apprehends arrest in connection with  
Nath Nagar P.S. Case No. 124 of 2024 dated 24.02.2024 instituted  
for the offence punishable under Sections 341, 354(B), 504 of the  
Indian Penal Code and Section 8 of the POCSO Act.

3. The prosecution case, in short, is that on the alleged  
date of occurrence when the informant along with her younger  
sister was going to attend call of nature, the petitioner molested  
her by putting his hand on her waist and shoulder.

4. Learned counsel for the petitioner submits that the  
petitioner is innocent and he has been falsely implicated in this  
case. It is further submitted that there is a land dispute between the



petitioner and the father of the informant. True fact is that there is a piece of land bearing Khata No. 298, plot no. 653 and 656, which was purchased by Arjun Das, grand father of the petitioner by virtue of Registered sale deed dated 27.07.1982. The Jamabandi was also opened in the name of Arjun Das and rent receipt was also issued in his name. It is further submitted that Arun Das, the father of the informant, has encroached upon the land by using force and the land of Arun Das is situated adjacent north to the land of the grand father of the petitioner. The father of the petitioner got the land measured by Amin and found that encroachment has been done by the father of the informant. The Amin submitted measurement report and encroached portion marked in red. Learned counsel for the petitioner further submits that there is no allegation of sexual assault against the petitioner. There is no eye witnesses to the occurrence. Learned counsel for the petitioner further submits that in the impugned order, it has been mentioned that the statement of the victim has been recorded under section 164 Cr.P.C. in which she has disclosed that the petitioner had only put his hand on the shoulder of the informant. Nothing has been stated about sexual assault. Lastly, it has been submitted that petitioner has no criminal antecedents.

5. On the other hand, learned A.P.P. for the State has opposed the prayer for anticipatory bail of the petitioner.



6. Having considered the facts and circumstances of the case and submissions of learned counsel for the parties, in the event of arrest / surrender of the petitioner within a period of six weeks from today, in connection with Nath Nagar P.S. Case No. 124 of 2024, he will be released on bail upon furnishing bail bonds of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of the learned Additional District and Sessions Judge-VI-cum-Special Judge, POCSO Act, Bhagalpur, subject to condition as laid down under Section 438(2) of the Cr.P.C.

**(Khatim Reza, J)**

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